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FM AMEMBASSY GEORGETOWN
TO RUEHC/SECSTATE WASHDC 3533
INFO RUCNCOM/EC CARICOM COLLECTIVE
RUEHBR/AMEMBASSY BRASILIA 0962
RUEHCV/AMEMBASSY CARACAS 0312
RUEHLO/AMEMBASSY LONDON 0119
RUEHOT/AMEMBASSY OTTAWA 2147
RUCNDT/USMISSION USUN NEW YORK 0048
RUEHBS/USEU BRUSSELS
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL

UNCLAS GEORGETOWN 000471

SIPDIS

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WHA/CAR
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S/CRS
SOUTHCOM FOR POLAD

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [GY](#)

SUBJECT: OPPOSITION SUES GOG, WANTS COURT TO WEIGH IN ON
ELECTION

REF: A. GEORGETOWN 462

[1](#)B. GEORGETOWN 371

[1](#)C. GEORGETOWN 308

[1](#)D. GEORGETOWN 181

[1](#)1. (U) The main opposition PNC/R threw up another major obstacle to election preparations May 18. It filed a lawsuit in Guyana's High Court challenging the legality of a May 2 constitutional amendment that had extended the election deadline to September 2. The plaintiff is Joe Hamilton, the PNC/R's Chief Scrutineer, designated rabble-rouser, and font of alarmist misinformation about the election process. The defendants in the case are Attorney General Doodnauth Singh, Guyana Elections Commission (GECOM) Chairman Dr. Steve Surujbally, Chief Elections Officer (CEO) Gocool Boodoo, and all six GECOM commissioners.

[1](#)2. (U) The basis for the lawsuit is that amending Article 61 of the constitution to extend the election deadline to September 2 conflicts with Article 69, which requires the newly elected Parliament to meet by September 2. (Note: Ref A describes the constitutional issue in detail.) The claim seeks declarations that the May 2 amendment is invalid and that the GoG will be "unconstitutional and illegal" after August 2, 2006. In addition, the claim seeks an injunction to restrain the GECOM Chairman and CEO from conducting an election after August 2.

[1](#)3. (SBU) The sense among Georgetown's legal/political circles is that the GoG overplayed its hand in devising a way to amend the constitution and extend the election deadline through a simple majority, without the parliamentary opposition's acquiescence. Some feel the case may have some legal merit and where it goes from here is uncertain. There is no direct precedent in Guyana to support the claim, although there may be regional ones. Regardless of the outcome in the courtroom, the PNC/R has a notable track record of using the courts to disrupt previous elections. The damage will be done if the lawsuit succeeds in the PNC/R's real objective -- gumming up election preparations to cause further delay.

[1](#)4. (SBU) COMMENT. The lawsuit confirms what post and other donors feared months ago. The original August 4 constitutional deadline for holding elections was one of the

few things that rival political parties could not dispute. By failing to adhere to that deadline, the election process has moved into uncharted territory in constitutional terms. The ruling PPP/C wants elections as soon as practicable. The PNC/R wants a significant delay. Now that the process has meandered off the constitutional path, the two sides are very unlikely to agree on when the election date should be. A credible scenario would see the PPP/C ram elections through as close to September 2 as possible -- thereby giving the opposition the perfect excuse to disavow the election results and tacitly condone civil disturbance and violence by its supporters. END COMMENT.
Bullen